IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 10TH OCTOBER 2006 / 18TH ASWINA 1928

Bail Appl..No. 6041 of 2006

CRIME NO.427/2006 OF KUTTIADI POLICE STATION

PETITIONER/ACCUSED

K.P.HARIDASAN, AGED 41 YEARS,
S/O.KUNHIKRISHNAN NAIR,
KULAMULLAPARAMBATHU HOUSE, NARIPATTA AMSOM,
VADAKARA TALUK, TIRUR DESOM.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
SRI.M.PRAVEESH

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

B.A.No.6041 of 2006

Dated this the 10th October, 2006.

O R D E R

The petitioner is before this Court, under Section 438 Cr.P.C, as he apprehends arrest in crime No.427/2006 of Kuttiadi Police Station, for the offence punishable under Section 306 IPC.

2. The prosecution submits that the deceased had borrowed an amount of Rs.40,000/- from the petitioner. By way of interest and principle, he had paid, according to the suicide note left by him, an amount of Rs.1,30,700/-. Nevertheless, the petitioner had been pressing him for the balance principle amount. Unable to bear the torture of the petitioner and others, who are the money lenders, he committed suicide, leaving the suicide note. Though the prosecution had registered the case under Section 174 Cr.P.C, after the investigation and relying on the suicide note, the offence had been converted into Section 306 IPC.

3. I heard the arguments advanced by the learned counsel Ms.C.G.Preetha together with the submissions of the learned Public Prosecutor.

4. I find this is not a fit case to grant an order, under Section 438 Cr.P.C.

Therefore, the application is dismissed.

J.M.JAMES, JUDGE

mrcs